

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JUSTIN J. ERBACHER,

Plaintiff,

v.

ROBLES, *et al.*,

Defendants.

Case No. 1:23-cv-01194-JLT-BAM (PC)

**ORDER REGARDING STIPULATION FOR
VOLUNTARY DISMISSAL WITH
PREJUDICE**

(ECF No. 36)

Plaintiff Justin J. Erbacher (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983.

Currently before the Court is a stipulation for voluntary dismissal of this action with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), filed by defense counsel. (ECF No. 36.) The stipulation is signed and dated by Plaintiff and counsel for Defendant, and indicates that each party shall bear its own litigation costs and attorney’s fees.

Accordingly, this action is terminated by operation of law without further order from the Court. Fed. R. Civ. P. 41(a)(1)(A)(ii). The Clerk of the Court is directed to terminate all pending motions and deadlines and close this case.

IT IS SO ORDERED.

Dated: August 20, 2024

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE